

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

8  
9  
10  
11  
12  
13

DEMARCUS BURSE, )  
Petitioner, )  
vs. )  
JOE PONTE, *et al.*, )  
Respondents. )  
/

) )  
)

2:11-cv-00674-KJD-RJJ

**ORDER**

Petitioner, a Nevada prisoner, has filed a motion for leave to proceed *in forma pauperis* (docket #1) and a petition for writ of habeas corpus (docket #1-1). Petitioner's application to proceed *in forma pauperis* is incomplete, as it does not contain a financial certificate that was completed by an authorized prison officer or the requisite institutional account statements. The application must therefore be denied. Petitioner will be granted time to either pay the \$5.00 filing fee or submit a new, fully completed application to proceed *in forma pauperis*.

The court will retain the petition for writ of habeas corpus, but will not file it at this time.

21                   **IT IS THEREFORE ORDERED** that petitioner's motion for leave to proceed *informa*  
22 *pauperis* (docket #1) is **DENIED**.

IT IS FURTHER ORDERED that petitioner shall have **thirty (30) days** from the date this order is entered to either (1) pay the \$5.00 filing fee or (2) submit a fully completed application to proceed *in forma pauperis*, including a financial certificate signed by an authorized prison officer showing the status of petitioner's prison account. Failure to take one of these actions within the time

1 allowed may result in dismissal of this action.

2           **IT IS FURTHER ORDERED** that the Clerk shall **SEND** to petitioner the approved  
3 form for an application to proceed *in forma pauperis*.

4           **IT IS FURTHER ORDERED** that the Clerk shall **SEND** to petitioner two copies of this  
5 order. If petitioner wishes to pay the five dollar (\$5) filing fee (the first option, above), petitioner must  
6 make the necessary arrangements to have one copy of this order, along with a check in the amount of  
7 the full \$5 filing fee, sent to the court, by sending a copy of the order with a "brass slip" to Inmate  
8 Services for issuance of the check.

9           **IT IS FURTHER ORDERED** that the Clerk shall retain the petition for a writ of habeas  
10 corpus but shall not file it at this time.

11           DATED: May 12, 2011



12           

---

13           UNITED STATES DISTRICT JUDGE

14

15

16

17

18

19

20

21

22

23

24

25

26